

BOBBY JINDAL
GOVERNOR



MICHAEL D. EDMONSON, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services
October 28, 2015
OLA-15-LCH-18119

VIA EMAIL ONLY (apa.h-thpw@legis.la.gov)
VIA EMAIL ONLY (apa.s-judb@legis.la.gov)

Karen Gaudet St. Germain, Chairman
House Committee on Transportation
State Capitol
Baton Rouge, LA 70804

Jean-Paul J. Morrell
Senate Judiciary B Committee
State Capitol
Baton Rouge, LA 70804

Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles, to amend Chapter 1, Sections 146 and 147 pertaining to Commercial Driving Schools

Dear Chairpersons:

The Department of Public Safety & Corrections, Office of Motor Vehicles, provides the following report to your committee as required by R.S. 49:968(D)(1)(b) for the proposed Notice of Intent that was published in the August 20, 2015, edition of the Louisiana Register on page 1578 and the declaration of emergency on page 1465, a copy of which is enclosed.

A public hearing was not requested and therefore one was not conducted.

The Office of Motor Vehicles did not receive any public comment on the proposed rules.

As a result, no changes to the proposed rule text are necessary.

Additionally, no technical changes are required.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura C. Hopes".

Laura C. Hopes
Attorney for the Office of Motor Vehicles
(225) 925-4404

Enclosures

Cc: apa.housespeaker@legis.la.gov, apa.senatepresident@legis.la.gov

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IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The proposed rule change will have no effect on competition and employment.

James H. Welsh
Commissioner
1508#058

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Driving School Surety Bonds (LAC 55:III.146 and 147)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles hereby proposes to amend the referenced Sections requiring driving schools to execute a good and sufficient surety bond in the sum of \$20,000.

This proposed change is in accordance with Act 99 of the 2015 Legislative Session and by the Emergency Rule Declaration in this issue of the *Louisiana Register*, effective August 1, 2015.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§146. Application Process and Fees for Private Driving Schools and Instructors

A. - A.2.j. ...

k. a surety bond in the amount of \$20,000;

A.2.l. - E.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2603 (December 2014), LR 41:

§147. General Regulations for Private Driving Schools

A. - B. ...

1. School owners shall be required to maintain a \$20,000 surety bond while maintaining a license to operate a driving school.

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2603 (December 2014), LR 41:

Family Impact Statement

The proposed Rules will not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children;
6. local governmental entities have the ability to perform the enforcement of the action proposed in accordance with R.S. 40:1730.23.

Poverty Impact Statement

The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in R.S. 49:973. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Statement

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have any adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rules do not impact or affect a "provider." "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed rules have no effect or impact on a "provider" in regards to:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the provider to provide the same level of service;
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments or requests for public hearing on these proposed rule changes to Laura Hopes, Department of Public Safety and Corrections, Public Safety Services, Office of Legal Affairs, at 7979 Independence Blvd., Suite 307, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6103 (phone); (225) 925-3974 (facsimile); laura.hopes@la.gov (email). Comments will be accepted through close of business September 10, 2015.

Public Hearing

A public hearing will be held on Friday, September 25, 2015 at 10 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, LA 70806. If the requisite number of comments are not received, the hearing will be cancelled. Please call and confirm the hearing will be conducted before attending.

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Private Driving Schools—Surety Bond
(LAC 55:III.146 and 147)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles finds that an imminent peril to the public safety requires adoption of a Rule upon shorter notice than that provided in R.S. 49:953(A), as provided in R.S. 49:953(B), requiring driving schools to execute a good and sufficient surety bond in the sum of \$20,000 in accordance with Act 99 of the 2015 Legislative Session effective August 1, 2015. Current regulation requires schools to execute a surety bond in the sum of \$40,000. It is necessary to adopt this Emergency Rule to have this order in place until the corresponding permanent rules can be adopted in order to enforce the effective date of Act 99 of the 2015 Legislative Session. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall take effect August 1, 2015, and shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§146. Application Process and Fees for Private Driving Schools and Instructors

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HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 38:1977 (August 2012), amended LR 40:2603 (December 2014), LR 41:

Jill P. Boudreaux
Undersecretary

1508#002

DECLARATION OF EMERGENCY

**Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council**

State Uniform Construction Code
(LAC 55:VI.Chapter 3)

The Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B) of the Administrative Procedure Act to amend, supplement and expand portions of and readopt LAC 55:VI.301 in the State Uniform Construction Code as authorized by R.S. 40:1730.26 and R.S. 40:1730.28. Furthermore, the LSUCCC has found an immediate need to adopt additional amendments of the current solar provisions in the *International Building Code*, *International Residential Code*, and the *National Electrical Code* regarding safety for first responders. This Emergency Rule will become effective July 20, 2015 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The LSUCCC is promulgating this Rule adoption and amendments to provide greater safety for first responders and those providing maintenance on solar modules and systems. At present, the existing code language adopted by the state does not provide an adequate level of safety to the first responders. This Emergency Rule addresses this issue by providing for access pathways, roof ventilation areas and new technology to shut the electricity down at the solar module in case of emergency. There are additional changes to the current rules to reformat the codification of LAC 55:VI.Chapter 3. The formatting changes do not alter the substance of the rules. These changes are intended to make the rules easier to read.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule immediately to promote greater safety to existing responders and those providing maintenance on solar modules and systems thus allowing new and existing facilities to incorporate designs which provided for access pathways, roof ventilation areas and the new technology to shut the electricity down at the solar module in case of emergency.

The public welfare further dictates that these changes be implemented immediately through the adoption of the Emergency Rule because of the long design time frames and to prevent unnecessary delays in design. Adoption of this Emergency Rule will allow owners and developers to immediately use these new standards in expanding existing facilities or constructing new facilities.

Adoption of this Emergency Rule will also provide proven methods for firefighting and new technology in the electric codes which will ensure the health, safety and welfare of not only firefighters and responders, but for the public as well.

Adopted July 20, 2015. Effective July 20, 2015.

Laura Hopes

From: APA - Speaker <apa.housespeaker@legis.la.gov>
Sent: Wednesday, October 28, 2015 11:42 AM
To: Laura Hopes
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Hopes

From: APA - House Transportation <apa.h-thpw@legis.la.gov>
Sent: Wednesday, October 28, 2015 11:41 AM
To: Laura Hopes
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Transportation, Highways, and Public Works, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Hopes

From: APA - Senate Jud B <apa.s-judb@legis.la.gov>
Sent: Wednesday, October 28, 2015 11:42 AM
To: Laura Hopes
Cc: APA - Senate Jud B
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Judiciary B, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Hopes

From: APA - President <APA.senatepresident@legis.la.gov>
Sent: Wednesday, October 28, 2015 11:42 AM
To: Laura Hopes
Cc: APA - Request Senate
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.